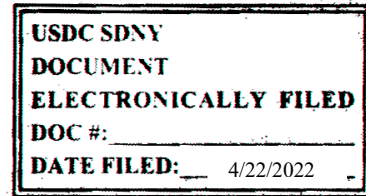


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
JUSTIN BRUNO,

Petitioner,

21-CV-06609(KPF)(SN)

-against-

**ORDER**

SUPERINTENDENT, UPSTATE CORRECTIONAL  
FACILITY,

Respondent.

-----X  
VALERIE FIGUEREDO, United States Magistrate Judge:

By letter dated November 18, 2021, Petitioner Justine Bruno asks the Court to grant a request for pro bono counsel. For the reasons set forth below, the request is denied without prejudice.

Appointment of counsel in habeas corpus cases is discretionary, and that discretion should be exercised only when the interests of justice so require, unless an evidentiary hearing is necessary. See 18 U.S.C. § 3006A(a)(2)(B). The factors to be considered in ruling on a motion for pro bono counsel are well settled and include “the merits of plaintiff’s case, the plaintiff’s ability to pay for private counsel, [plaintiff’s] efforts to obtain a lawyer, the availability of counsel, and the plaintiff’s ability to gather the facts and deal with the issues if unassisted by counsel.” Cooper v. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989). Of these, “the factor which command[s] the most attention [is] the merits.” Id. Indeed:

[c]ourts do not perform a useful service if they appoint a volunteer lawyer to a case which a private lawyer would not take if it were brought to his or her attention. Nor do courts perform a socially justified function when they request the services of a volunteer

lawyer for a meritless case that no lawyer would take were the plaintiff not indigent.

Id.

Having reviewed Petitioner's and Respondent's submissions, the Court concludes that appointment of counsel would not aid the parties and the Court, and thus would not serve the interests of justice. Accordingly, the Court denies the application without prejudice.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Vaez', is positioned above the date and location text.

DATED: April 22, 2022  
New York, New York